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HOUSE JOINT RESOLUTION 4217

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Wilson, Haugen, May, Grant, McLean, Moyer, Chandler, Bowman and Wynne.

Read first time February 5, 1991. Referred to Committee on State Government.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            THAT, At the next general election to be held in this state there  
4 shall be submitted to the qualified voters of the state for their  
5 approval and ratification, or rejection, an amendment to Article II,  
6 section 1, of the Constitution of the state of Washington to read as  
7 follows:

8            Article II, section 1. The legislative authority of the state of  
9 Washington shall be vested in the legislature, consisting of a senate  
10 and house of representatives, which shall be called the legislature of  
11 the state of Washington, but the people reserve to themselves the power  
12 to propose bills, laws, and to enact or reject the same at the polls,  
13 independent of the legislature, and also reserve power, at their own  
14 option, to approve or reject at the polls any act, item, section, or  
15 part of any bill, act, or law passed by the legislature.

1 (a) Initiative: The first power reserved by the people is the  
2 initiative. Every such petition shall include the full text of the  
3 measure so proposed. In the case of initiatives to the legislature and  
4 initiatives to the people, the number of valid signatures of legal  
5 voters required shall be equal to eight percent of the votes cast for  
6 the office of governor at the last gubernatorial election preceding the  
7 initial filing of the text of the initiative measure with the secretary  
8 of state. In addition, a pro rata share of the necessary minimum  
9 number of signatures shall be obtained in each congressional district.

10 Initiative petitions shall be filed with the secretary of state not  
11 less than four months before the election at which they are to be voted  
12 upon, or not less than ten days before any regular session of the  
13 legislature. If filed at least four months before the election at which  
14 they are to be voted upon, he shall submit the same to the vote of the  
15 people at the said election. If such petitions are filed not less than  
16 ten days before any regular session of the legislature, he shall  
17 certify the results within forty days of the filing. If certification  
18 is not complete by the date that the legislature convenes, he shall  
19 provisionally certify the measure pending final certification of the  
20 measure. Such initiative measures, whether certified or provisionally  
21 certified, shall take precedence over all other measures in the  
22 legislature except appropriation bills and shall be either enacted or  
23 rejected without change or amendment by the legislature before the end  
24 of such regular session. If any such initiative measures shall be  
25 enacted by the legislature it shall be subject to the referendum  
26 petition, or it may be enacted and referred by the legislature to the  
27 people for approval or rejection at the next regular election. If it  
28 is rejected or if no action is taken upon it by the legislature before  
29 the end of such regular session, the secretary of state shall submit it  
30 to the people for approval or rejection at the next ensuing regular

1 general election. The legislature may reject any measure so proposed  
2 by initiative petition and propose a different one dealing with the  
3 same subject, and in such event both measures shall be submitted by the  
4 secretary of state to the people for approval or rejection at the next  
5 ensuing regular general election. When conflicting measures are  
6 submitted to the people the ballots shall be so printed that a voter  
7 can express separately by making one cross (X) for each, two  
8 preferences, first, as between either measure and neither, and  
9 secondly, as between one and the other. If the majority of those  
10 voting on the first issue is for neither, both fail, but in that case  
11 the votes on the second issue shall nevertheless be carefully counted  
12 and made public. If a majority voting on the first issue is for  
13 either, then the measure receiving a majority of the votes on the  
14 second issue shall be law.

15 (b) Referendum. The second power reserved by the people is the  
16 referendum, and it may be ordered on any act, bill, law, or any part  
17 thereof passed by the legislature, except such laws as may be necessary  
18 for the immediate preservation of the public peace, health or safety,  
19 support of the state government and its existing public institutions,  
20 either by petition signed by the required percentage of the legal  
21 voters, or by the legislature as other bills are enacted: PROVIDED,  
22 That the legislature may not order a referendum on any initiative  
23 measure enacted by the legislature under the foregoing subsection (a).  
24 The number of valid signatures of registered voters required on a  
25 petition for referendum of an act of the legislature or any part  
26 thereof, shall be equal to or exceeding four percent of the votes cast  
27 for the office of governor at the last gubernatorial election preceding  
28 the filing of the text of the referendum measure with the secretary of  
29 state. In addition, a pro rata share of the necessary minimum number  
30 of signatures shall be obtained in each congressional district.

1 (c) No act, law, or bill subject to referendum shall take effect  
2 until ninety days after the adjournment of the session at which it was  
3 enacted. No act, law, or bill approved by a majority of the electors  
4 voting thereon shall be amended or repealed by the legislature within  
5 a period of two years following such enactment: PROVIDED, That any  
6 such act, law, or bill may be amended within two years after such  
7 enactment at any regular or special session of the legislature by a  
8 vote of two-thirds of all the members elected to each house with full  
9 compliance with section 12, Article III, of the Washington  
10 Constitution, and no amendatory law adopted in accordance with this  
11 provision shall be subject to referendum. But such enactment may be  
12 amended or repealed at any general regular or special election by  
13 direct vote of the people thereon.

14 (d) The filing of a referendum petition against one or more items,  
15 sections, or parts of any act, law, or bill shall not delay the  
16 remainder of the measure from becoming operative. Referendum petitions  
17 against measures passed by the legislature shall be filed with the  
18 secretary of state not later than ninety days after the final  
19 adjournment of the session of the legislature which passed the measure  
20 on which the referendum is demanded. The veto power of the governor  
21 shall not extend to measures initiated by or referred to the people.  
22 All elections on measures referred to the people of the state shall be  
23 had at the next succeeding regular general election following the  
24 filing of the measure with the secretary of state, except when the  
25 legislature shall order a special election. Any measure initiated by  
26 the people or referred to the people as herein provided shall take  
27 effect and become the law if it is approved by a majority of the votes  
28 cast thereon: PROVIDED, That the vote cast upon such question or  
29 measure shall equal one-third of the total votes cast at such election  
30 and not otherwise. Such measure shall be in operation on and after the

1 thirtieth day after the election at which it is approved. The style of  
2 all bills proposed by initiative petition shall be: "Be it enacted by  
3 the people of the State of Washington." This section shall not be  
4 construed to deprive any member of the legislature of the right to  
5 introduce any measure. All such petitions shall be filed with the  
6 secretary of state, who shall be guided by the general laws in  
7 submitting the same to the people until additional legislation shall  
8 especially provide therefor. This section is self-executing, but  
9 legislation may be enacted especially to facilitate its operation.

10 (e) The legislature shall provide methods of publicity of all laws  
11 or parts of laws, and amendments to the Constitution referred to the  
12 people with arguments for and against the laws and amendments so  
13 referred. The secretary of state shall send one copy of the  
14 publication to each individual place of residence in the state and  
15 shall make such additional distribution as he shall determine necessary  
16 to reasonably assure that each voter will have an opportunity to study  
17 the measures prior to election.

18 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
19 notice of the foregoing constitutional amendment to be published at  
20 least four times during the four weeks next preceding the election in  
21 every legal newspaper in the state.